

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 28

August 29, 2008

SUBJECT: DUTY TO CONDUCT AND DOCUMENT INDIVIDUAL PERFORMANCE ASSESSMENTS - REVISED

PURPOSE: This Order supersedes Special Order No. 22, "Duty to Conduct and Document Individual Performance Assessments," dated July 12, 2007. This Order also eliminates the requirement of generating "Supervisor Action Item" (SAI) when conducting reviews for annual performance evaluations and transfers.

PROCEDURE:

I. AUTOMATED INDIVIDUAL PERFORMANCE ASSESSMENT - ACTION ITEMS (AI). Risk Management Information System (RMIS) utilizes a number of separate performance related databases that capture employee activity and transmit these selected data to RMIS, as outlined in Special Order No. 20, 2006. The combined data in RMIS is statistically analyzed using peer groups and performance thresholds.

The following employee activity is analyzed by RMIS:

- * Personnel Complaints (where an employee is the "Accused");
- * Use of Force Incidents (where an employee is an "Involved Officer");
- * Claims and Lawsuits (where an employee is a "Defendant");
- * Traffic Collisions; and,
- * Pursuits.

The following employee productivity is analyzed by RMIS:

- * Stops; and,
- * Arrests.

A. Peer Groups. All sworn employees are assigned to a peer group based on the type of work the employee performs (e.g., patrol, gang enforcement detail, and vice, etc.) and/or type of frequency of public contacts. An employee's peer group is listed on his or her TEAMS II Report.

Note: If an employee believes his/her peer group has been assigned in error, the employee should contact his/her divisional TEAMS II coordinator.

B. Performance Thresholds and RMIS AI. Performance thresholds are calculated by applying a statistical model to the counts of employee activity within each peer group. If an employee engages in a type of activity analyzed by RMIS as outlined above, RMIS compares the employee's recent activity to that employee's peer group performance threshold. If the employee's activity meets or exceeds the employee's peer group performance thresholds, RMIS automatically generates an AI and forwards it to the employee's immediate supervisor. The affected employee will be notified by Electronic Mail System (GroupWise) of the AI.

C. Action Item on Employee's TEAMS II Report. All AIs will appear on an employee's TEAMS II report as "Pending" until the AI has been reviewed by the employee's bureau or equivalent. Upon final review and approval, the "Pending" status will change to indicate the final disposition. All AIs, regardless of disposition will appear on the employee's TEAMS II report once completed. No AIs will be displayed on TEAMS II reports for "Promotion/Paygrade Advancement."

II. SUPERVISORS RESPONSIBILITIES - RISK MANAGEMENT INFORMATION SYSTEM GENERATED ACTION ITEM. When a supervisor receives a RMIS generated AI in their TEAMS II Personal Worklist for an employee within his/her chain of command, the supervisor shall review the following:

A. Review Reports. Upon receipt of the AI, the supervisor shall open the AI and review the information and reports pertaining to the employee's performance.

1. **For non-supervisory personnel:** Although, additional reports may be available for an AI, the review, at minimum, shall include the following reports:

- * TEAMS II Report; and,
- * Summary of Employee Activity.

2. **For supervisory personnel:** Although, additional reports may be available for an AI, the review, at minimum, shall include the following reports:

- * TEAMS II Report;
- * Summary of Employee Activity; and,
- * Comparison of Employee Average Activity for selected organizations.

3. **For captains and above:** Although, additional reports may be available for an AI, the review, at minimum, shall include the following reports;

- * TEAMS II Report; and,
- * Comparison of Employee Average Activity for selected organizations.

B. Conduct Performance Assessment. The supervisor shall analyze all relevant information to detect any pattern or series of incidents that may indicate that employee may be engaging in at-risk behavior. Additionally, the supervisor shall assess the affected employee's performance against that of similar employees, such as employees in the same peer group, organization or similar job assignment.

If the supervisor identifies that at-risk behavior may be occurring, the supervisor shall undertake a more detailed review of the employee's performance. The review may include arrest reports, use of force reports, personnel complaints (pending and adjudicated), traffic collision reports, vehicle pursuit reports, etc. The review of these additional reports should assist the supervisor to determine whether an employee's behavior is outstanding, acceptable, or possibly constitutes at-risk behavior needing further monitoring or action.

Note: Upon receipt of an AI, supervisors shall complete their review and document the proposed action taken as a result of the review in a timely manner. The Risk Management Information System will automatically assign a due date to the AI. Before modifying the due date for an AI, the

commanding officer with the rank of captain or above shall approve the extension request.

C. Document the Results. In the "Investigative Narrative" section of the AI, document the performance assessment conducted as mentioned before. The narrative shall include, but is not limited to, the following:

- * Brief summary of each Use Of Force (UOF), Complaint, Claim/Lawsuit, Vehicle Pursuit, or Traffic Collision occurring within the evaluation period.
- * Analysis of the events as a whole and determine if there's a "pattern of conduct."
- * Comparison of the employee's performance against that of similar employees, such as employees in the same peer group, organization or similar job assignment and explain any significant differences between the affected employee's performance and that of similar employees.
- * Justification for the disposition selected, including any decision to take no action.
- * Brief summary of the discussion with the affected employee regarding the supervisor's review and selection of disposition.

D. Disposition of the Action Item. In order to complete an AI, the supervisor must choose from one or more of the following listed in the "Conclusion/Recommendation" section of the AI:

- * No Action;
- * Commendation;
- * Informal Meeting;
- * Training;
- * Special Evaluation Reports;
- * Modified Field Duties;
- * Assigned to Non-Field Duties;
- * Risk Management Executive Committee (RMEC) Referral;
- * Directed Behavioral Science Services (BSS) Referral;
- * Comment Card;
- * Notice to Correct (NTC); and/or,
- * Complaint.

1. **No Action.** Used when no pattern of behavior posing potential risk was identified. If a significant difference was identified, further review verified that the difference was justified and did not require further action. It may also be used where action was taken prior to the activation of the AI (e.g., training was already provided), and no further action is required. In such instances, the investigative narrative shall include an explanation as to what action was previously taken.
2. **Commendation.** Used when the assessment determined that the behavior deserves a commendation. In such cases, the supervisor shall complete a commendation.
3. **Informal Meeting.** Used when a supervisor meets with the employee and conducts an informal counseling session that does not result in any further action.
4. **Training.** Used when the assessment identified a need for formal training. The supervisor shall document the type of training and the reason for the training in the "Investigative Narrative" section of the AI. It is the supervisor's responsibility to ensure training is scheduled. All formal training shall be entered into the Department's Training Management System (TMS) by the respective entity providing the training.
5. **Special Evaluation Reports.** Used when the assessment determined an employee needs mentoring and that special evaluation reports are required. The supervisor shall ensure reports are completed for the time period and frequency determined by the supervisor and the employee's commanding officer.
6. **Modified Field Duties.** Used when the supervisor identifies a need for modified field duties.

7. **Assignment to Non-Field Duties.** Used when the supervisor determines that the employee should be removed from the field and placed in a non-field duty assignment. The date identified for the next performance assessment should be included in the "Investigative Narrative" section. The supervisor shall contact the on-duty timekeeper to ensure the employee's duty is modified in the Deployment Period System (DPS) to indicate a non-field duty assignment.
8. **Risk Management Executive Committee Referral.** Used when the supervisor determines that the employee should be referred to the RMEC. In the "Investigative Narrative" section of the AI, the supervisor shall document "Confidential" when referral to RMEC is recommended.
9. **Direct BSS Referral.** Used when the supervisor determines that the employee should be referred to BSS. In the "Investigative Narrative" section of the AI, the supervisor shall document "Confidential" when a directed referral to BSS is issued.
10. **Comment Card.** Used when the supervisor determines that a comment card is appropriate. The supervisor shall also record the AI number on the comment card.
11. **Notice to Correct.** Used when the supervisor determined that a NTC, Form General 78, is necessary. The supervisor shall also record the AI number on the NTC.
12. **Complaint.** Used in the event misconduct is identified and a personnel complaint initiated. A printout of the AI shall be attached as an addenda item to the complaint and the AI number shall be listed as a related report in that complaint. The supervisor shall also record the Complaint Form (CF) number in the "Investigative Narrative."

Note: All complaints shall be governed by any and all Department rules, procedures, or guidelines existing at the time the AI is completed. The disposition of an AI is to reflect the action being taken as a result of the AI. If action was taken prior to the activation of the AI (e.g., training was already provided), and no further action is required, the "No Action" disposition should be selected. In such an instance, the "Investigative Narrative" shall include an explanation as to what action was previously taken.

- E. Employee Review of Action Item.** Prior to completing an AI, the investigating supervisor shall meet with the employee to explain the disposition selected and provide the affected employee an opportunity to review the AI. The investigating supervisor must record the date of this employee meeting in the AI section title "Required Tasks" by selecting the appropriate date using the calendar icon provided on the AI screen.
- F. Chain of Command Review.** Once the AI is completed, the supervisor shall forward the AI to his/her Chain of Command (COC) review and approval. Reviewers shall review the AI for thoroughness and "kickback" the AI for correction or additional information if necessary. Commanding Officers shall complete their review in a timely manner. The Action Item is not deemed complete until the bureau has received, reviewed, and approved the AI.
- G. Bureau Review.** All Action Items shall be reviewed by the affected employee's bureau or equivalent reviewing command.

NOTE: Upon completion of bureau review of the AI, the employee shall be given 30 days to provide a written response to any adverse comments, if the employee so chooses. The commanding officer shall ensure that the employee has been notified of the start of 30-day response period upon completion of bureau review. The employee's response shall be filed in the Divisional Employee Folder, Form 01.01.00.

III. SUPERVISOR RESPONSIBILITIES - SUPERVISOR GENERATED INDIVIDUAL PERFORMANCE ASSESSMENT - SUPERVISOR ACTION ITEMS (SAI). The Risk Management Information System allows supervisors and managers to generate a SAI to review a subordinate's performance. A Supervisory Action Item can be generated to document reviews for periodic monitoring. In addition, a supervisor is required to generate a SAI if the result of a subordinate's annual performance evaluation (as documented in the Performance Evaluation Report Action Item) warrants further action.

A. Supervisor's Responsibility When Generating a Supervisory Action Item. Supervisors shall use the RMIS function in TEAMS II to generate a SAI.

1. **Conduct Performance Assessment.** Supervisor shall be responsible for conducting a performance assessment as deemed necessary by the supervisor.
2. **Document the Results.** Document the extent of the inquiry and provide justification for any further course of action taken, in the "Investigative Narrative" section of the SAI.
3. **Disposition of Supervisory Action Item.** The Supervisory Action Item disposition shall be selected according to *Section II/D - Disposition of Action Item* of this Order. Below listed dispositions are available in SAIs in addition to those listed in *Section II/D*.

Note: The following SAIs will appear on an employee's TEAMS II Report depending on the disposition selected.

- * **"Cancel" and "No Action" Disposition.** If a SAI is closed as "Cancel" or "No Action," no COC approval is required and the SAI will not appear on an employee's TEAMS II Report. Use "Cancel" when the SAI is generated unnecessarily or in error;

- * **"Informal Meeting" Disposition.** If a SAI is closed as "Informal Meeting," no COC approval is required. However, the SAI will appear on an employee's TEAMS II Report; and,
- * **All Other Disposition.** All other disposition on a SAI shall be electronically forwarded through the COC review. These Supervisory Action Items will appear on an employee's TEAMS II Report.

4. Employee Notification of the Supervisory Action Item. Prior to completing a SAI with a disposition other than "Cancel" or "No Action," the supervisor shall meet with the employee and provide the employee an opportunity to review the SAI. The supervisor must record the date of this meeting in the SAI section titled "Required Tasks" by selecting the appropriate date using the calendar icon provided on the SAI screen.

5. Chain of Command Review. In the event the SAI is required to be reviewed within the COC, the review shall:

- * Review it for thoroughness, and "kickback" the SAI for correction or additional information only, if necessary; and,
- * Ensure that the supervisor has met with the affected employee to discuss the course of action and that the date of the discussion was documented in the SAI.

Note: Upon completion of the COC review of the SAI, the employee shall be given 30 days to provide a written response to any adverse comments, if the employee so chooses. The commanding officer shall ensure that the employee has been notified of the start of the 30-day response period upon completion of bureau review. The employee's response shall be filed in the Divisional Employee Folder.

IV. RISK MANAGEMENT GROUP RESPONSIBILITIES. Risk Management Group (RMG) shall be available for supervisors who have questions regarding the disposition of any AI or SAI. Risk Management Group shall periodically review and where necessary, modify the RMIS automated performance thresholds and peer group settings. Department personnel shall be notified of all such modifications.

Any adjustments to the AI or SAI, including the disposition or investigative narrative after the AI or SAI has been through bureau review shall be modified only by RMG upon written request of concerned commanding officer.

V. MISUSE OR ABUSE OF ACTION ITEM INFORMATION. All employees are reminded that any misuse or abuse of information contained within RMIS or other TEAMS II systems may result in disciplinary action. Department Manual Section 3/405 outlines the Department's policy regarding confidential files, documents, records, and reports in the custody of Department employees. The unauthorized use of information obtained through employment with the Department can subject the employee to possible disciplinary action and/or criminal prosecution. This includes information obtained from automated records (e.g., Risk Management Information System).

AMENDMENT: This Order amends Section 1/668.01 and 3/760 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Risk Management Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police